



Docket No.: SON-3206
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisashi Ohashi

Application No.: 10/593,061

Confirmation No.: 6470

Filed: February 12, 2007

Art Unit: 2172

For: ELECTRONIC DEVICE AND FUNCTION
ASSIGNING METHOD

Examiner: D. D. Song

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 appealing the Final Office Action of the Examiner dated August 12, 2010. This Brief is also in furtherance of the Notice of Appeal previously filed on December 13, 2010 along with a Request for Pre-Appeal Brief Panel Review. A Panel Decision dated January 14, 2011 allowed this matter to proceed to the Board of Patent Appeals and Interferences.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.2:

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Sony Corporation, of Tokyo, Japan. An assignment of all rights in the present application to Sony Corp., was executed by the inventor and recorded by the U.S. Patent and Trademark Office at **reel 018940, frame 0673**.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 14 claims pending in application.

B. Current Status of Claims

1. Claims canceled: none
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-14
4. Claims allowed: none
5. Claims rejected: 1-14

C. Claims On Appeal

The claims on appeal are claims 1-14

IV. STATUS OF AMENDMENTS

A Non-Final Office Action rejecting claims 1-12 was mailed on May 8, 2009 and an Amendment in response to the Non-Final Action was filed on June 25, 2009 amending the rejected claims. A Final Office Action rejecting claims 1-12 was mailed on November 13, 2009 and an Amendment after Final was filed December 22, 2009 amending the rejected claims. An Advisory Action dated January 21, 2010 maintained the grounds of rejection and a Request for Continued Examination was filed February 2, 2010.

A Non-Final Office Action rejecting claims 1-12 was mailed on April 27, 2010 and an Amendment in response to the Non-Final Action was filed on May 25, 2010 amending the rejected claims. A Final Office Action rejecting claims 1-12 was mailed on August 12, 2010 and an Amendment after Final was filed October 12, 2010 amending the rejected claims and adding new claims 13-14. An Advisory Action dated November 1, 2010 maintained the grounds of rejection and entered the amended and new claims filed on October 12, 2010.

Appellant then filed a Notice of Appeal and Request for Pre-Appeal Brief Panel Review on December 13, 2010. A Decision on Panel Review dated January 14, 2011 allowed the matter to proceed to the Board of Patent Appeals and Interferences.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following description is provided for illustrative purposes and is not intended to limit the scope of the invention.

Claim 1. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
display means for causing display of a	e.g., Figs. 1 and 3-4; liquid crystal display monitor 5; p. 4, line 26 through p. 6, line 6

plurality of items on the display panel;	through p. 9, line 12.
means for receiving a selection of a desired item from the plurality of items, after which	e.g., Figs. 1 and 4; the selection/push-confirmation dial 9; p. 8, lines 14-26.
the display means causing display of a setting screen corresponding to the selected desired item; and	e.g., Figs. 1 and 3-4; liquid crystal display monitor 5; p. 8, line 14 through p. 9, line 12.
assigning means for assigning keys using the setting screen,	e.g., Figs. 1 and 2-3; assign keys 7; p. 8, lines 14 through p. 10, line 26.
wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13, lines 6-18.
wherein second and third of the plurality of keys are respectively assigned to one of a paired function.	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.

Claim 2. The electronic device as set forth in claim 1,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
wherein when said one of a paired function is	e.g., Figs. 1-4; p. 8, lines 14 through p. 10,

assigned, a message prompts a user to assign the other of the paired function.	line 26, p. 13 line 19 through p. 14 line 3, p 14 lines 4-16.
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Claim 3. The electronic device as set forth in claim 1,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
wherein when said one of a paired function is assigned to the second key, the other of the paired function is automatically assigned to the third of the plurality of the keys.	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3, p 14 lines 4-16.

Claim 4. The electronic device as set forth in claim 1,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
wherein a sequence of user performed operations are stored and the stored operations are then assigned to said one of the plurality of keys.	e.g., Figs. 1-4;p. 16, line 10 through p. 17, line 4.

Claim 5. The electronic device as set forth in claim 1,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
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wherein functions assigned to two keys of the plurality of keys are swapped.	e.g., Fig. 1-4; p. 15, line 26 through p. 16 line 10.
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Claim 6. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
display means for causing display of a plurality of items on the display panel;	e.g., Figs. 1 and 3-4; liquid crystal display monitor 5; p. 4, line 26 through p. 6, line 6 through p. 9, line 12.
means for receiving a selection of a desired item from the plurality of items, after which	e.g., Figs. 1 and 4; the selection/push-confirmation dial 9; p. 8, lines 14-26.
the display means causes display of a setting screen corresponding to the selected desired item;	e.g., Figs. 1 and 3-4; liquid crystal display monitor 5; p. 8, line 14 through p. 9, line 12.
assigning means for assigning keys using the setting screen,	e.g., Figs. 1 and 2-3; assign keys 7; p. 8, lines 14 through p. 10, line 26.
wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13, lines 6-18.

wherein second and third of the plurality of keys are respectively assigned to one of a paired function; and	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.
display means for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys.	e.g., Figs. 1 and 3-4; liquid crystal display monitor 5; p. 8, line 14 through p. 9, line 12.

Claim 7. The electronic device as set forth in claim 6,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
wherein said one of the plurality of keys is assigned to said one of a paired function, and further comprising:	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.
prompting a user to assign the other of the paired function when said one of a paired function is assigned to said one of the plurality of keys.	e.g., Figs. 1-4; p 14 lines 4-16.

Claim 8. The electronic device as set forth in claim 6,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
wherein said one of the plurality of keys is assigned one of a paired function further comprising:	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.
automatically assigning the other of the paired function to another key of the plurality of keys when said one of a paired function is assigned to said one of the plurality of keys.	e.g., Figs. 1-4; p 14 lines 4-16.

Claim 9. The electronic device as set forth in claim 6,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
wherein a sequence of operations that a user has preformed are stored and said stored operations are assigned to one of the plurality of keys.	e.g., Figs. 1-4;p. 16, line 10 through p. 17, line 4.

Claim 10. The electronic device as set forth in claim 6,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
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wherein functions assigned to two keys of the plurality of keys are swapped.	e.g., Fig. 1-4; p. 15, line 26 through p. 16 line 10.
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Claim 11. A method of assigning desired functions to a plurality of keys, comprising the steps of:	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
displaying a plurality of items;	e.g., Figs. 1 and 3-4; p. 4, line 26 through p. 6, line 6 through p. 9, line 12.
receiving a selection of a desired item from the plurality of items;	e.g., Figs. 1 and 4; p. 8, lines 14-26.
receiving a selection of a key to which a function is assigned from the plurality of keys; and	e.g., Figs. 1 and 3-4; p. 8, line 14 through p. 9, line 12.
assigning said function to the selected key,	e.g., Figs. 1 and 2-3; p. 8, lines 14 through p. 10, line 26.
wherein said function is a paired function.	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.

Claim 12. A method of assigning desired functions to a plurality of keys, comprising the steps of:	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
displaying a plurality of items;	e.g., Figs. 1 and 3-4; p. 4, line 26 through p. 6, line 6 through p. 9, line 12.
receiving a selection of a desired item from the plurality of items;	e.g., Figs. 1 and 4; p. 8, lines 14-26.
receiving a selection of a key to which a function, corresponding to the selected desired item, is assigned from the plurality of keys, said function being a paired set of functions; and	e.g., Figs. 1 and 3-4; p. 8, line 14 through p. 9, line 12.
assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key.	e.g., Figs. 1 and 2-3; p. 8, lines 14 through p. 10, line 26.

Claim 13. An electronic device having a display panel and a plurality of keys to which	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
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desired functions can be assigned, comprising:	
display section causing display a plurality of items on the display panel;	e.g., Figs. 1 and 3-4; p. 4, line 26 through p. 6, line 6 through p. 9, line 12.
receiving section receiving a selection of a desired item from the plurality of items, after which the display section causing display of a setting screen corresponding to the selected desired item; and	e.g., Figs. 1 and 4; p. 8, lines 14-26, p. 8, line 14 through p. 9, line 12.
assigning section assigning keys using the setting careen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and	e.g., Figs. 1 and 2-3; p. 8, lines 14 through p. 10, line 26.
wherein second and third of the plurality of keys are respectively assigned to one of a paired function.	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.

Claim 14. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned,	e.g., Fig. 1-4; p. 4, line 17 through p. 6, line 6.
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comprising:	
display section causing display a plurality of items on the display panel;	e.g., Figs. 1 and 3-4; p. 4, line 26 through p. 6, line 6 through p. 9, line 12.
receiving section receiving a selection of a desired item from the plurality of items, after which the display section causing display of a setting screen corresponding to the selected desired item;	e.g., Figs. 1 and 4; p. 8, lines 14-26, p. 8, line 14 through p. 9, line 12.
assigning section assigning keys using the setting careen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and	e.g., Figs. 1 and 2-3; p. 8, lines 14 through p. 10, line 26.
wherein second and third of the plurality of keys are respectively assigned to one of a paired function; and	e.g., Figs. 1-4; p. 8, lines 14 through p. 10, line 26, p. 13 line 19 through p. 14 line 3.
display section for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys.	e.g., Figs. 1 and 3-4; p. 8, line 14 through p. 9, line 12.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether the Examiner erred in rejecting Claims 1, 2, 4-7, 9 and 10 under 35 U.S.C. § 102(b) as allegedly being anticipated by Maeda et al. (U.S. Pub. No. 2002/0015598, hereinafter referred to as “Maeda ‘598”).
- B. Whether the Examiner erred in rejecting claims 3 and 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Maeda ‘598 in view of Matsumoto (U.S. Pub. No. 2002/0007487, hereinafter referred to as “Matsumoto ‘487”).
- C. Whether the Examiner erred in rejecting claims 11 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Maeda ‘598 in view of Matsumoto ‘487 and further in view of Takagi et al (U.S. Pub. No. 2002/0112248, hereinafter referred to as “Takagi ‘248”).
- D. Whether the Prior Art discloses the features of claims 13 and 14.

VII. ARGUMENT

In the Final Office Action of August 12, 2010:

The Examiner erred in rejecting claims 1, 4, and 5 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda ‘598.

The Examiner erred in rejecting claim 2 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda ‘598.

The Examiner erred in rejecting claims 6, 9, and 10 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda ‘598.

The Examiner erred in rejecting claim 7 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda ‘598.

The Examiner erred in rejecting claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Maeda ‘598 in view Matsumoto ‘487.

The Examiner erred in rejecting claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487.

The Examiner erred in rejecting claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487 and further in view of Takagi '248.

The Examiner erred in rejecting claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487 and further in view of Takagi '248.

The Prior Art does not disclose the features of claims 13 and 14.

For at least the following reasons, Appellant submits that these rejections are both technically and legally unsound and should therefore be reversed.

For purposes of this Appeal Brief, and without conceding the teachings of any prior art reference, the claims have been grouped as indicated below.

A1. The Examiner erred in rejecting claims 1, 4, and 5 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda '598.

Claims 4 and 5 are dependant on claim 1 and thus incorporate the features therein.

Claim 1 recites:

An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:

display means for causing display of a plurality of items on the display panel;

means for receiving a selection of a desired item from the plurality of items, after which

the display means causing display of a setting screen corresponding to the selected desired item; and

assigning means for assigning keys using the setting screen.

wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and

wherein second and third of the plurality of keys are respectively assigned to one of a paired function.

Maeda '598 fails to disclose, teach or suggest "assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function."

The Office Action, however, alleges these features can be found in paragraph [0056-0066] of Maeda '598. This is wholly inaccurate.

Maeda '598 relates to an operation device comprising a shortcut key capable of allocating desired functions. Maeda '598 discloses a shortcut key display screen having a shortcut key. An arbitrary function among a plurality of functions may be allocated to the shortcut key and is displayable on a display unit. Every function setting screen comprises an allocation instruction key for providing instructions for allocating the function to the shortcut key, and, when the allocation instruction key is selected, a series of functions set before the function setting screen having the allocation instruction key is displayed on the display screen is allocated to the shortcut key.

Paragraph [0056-0066] of Maeda '598 discloses how to allocate and register short cut keys among keys K1-K9. Functions and the like to be allocated to the shortcut keys K1-K9 may be allocated even if they do not pertain to the basic function; that is, even when they pertain to the editing function or finishing function. There is no mention of an assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function in Maeda '598. The allocations of the individual short cut keys K1-K9 are done separately without regard to a paired function.

Indeed, Maeda '598 does not teach or suggest associating such paired functions with an assignable button. By contrast, Appellant's claimed invention illustrates examples of paired functions. For example, in Fig. 4D, the shake compensation's 'on' and 'off' functions represent paired functions. Similarly, 'edit search +' and 'edit search -' represent paired functions.

The Final Office Action and the Advisory Action nonetheless allege that the second key, "2 in 1" (Basic 2) of Fig. 9, is assigned to one of a paired function, such as Left Staple, and a third key, for example "4 in 1" (Basic 3) of fig. 9 is assigned to the other of the paired function, such as Right Staple. This analysis of Maeda '598 is inaccurate.

In screen 61, of Figure 4, when the "2 in 1" key B8 is pressed, Maeda '598 switches to a second function setting screen 62 to which are displayed, in addition to the respective keys B7 to B9, function keys such as the "left staple" key B13, "right staple" key B14, "none" key B15, "straight line" key B16, and "dotted line" key B17. In screen 62, when the "left staple" key B13 and "dotted line" key B17 are further pressed, it becomes a screen 62' in which the functions keys of "2 in 1" key B8, "left staple" key B13 and "dotted line" key B17 are displayed with the black and white being inverted. Thereafter, when the "close" key B12 is pressed, the setting of detailed functions regarding the "consolidation" function is completed, the screen becomes a screen 6' in which the "consolidation" key B4 in screen 6 is displayed with the black and white being inverted, and, by pressing the start button 2b, the copying operation is performed according to the settings as described in the above.

Clearly, when discussing the Right and Left Staple functionality, Maeda '598 merely discloses predetermined settings of stapling which cannot be confused with Appellant's claimed invention of assigning keys using the setting screen, wherein second and third of the plurality of keys are respectively assigned to one of a paired function. As stated previously, Maeda '598 discloses how to allocate and register short cut keys among keys K1-K9 without regard to assigning a paired function to a second and third key.

Indeed, the characterization within the Office Action of the claim language appears to recast the express language found within the claims by redefining the invention in a manner different that from what is set forth within the claims.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 1, 4, and 5 under 35 U.S.C. § 102(b) as being anticipated by Maeda '598.

A1a. The Examiner erred in rejecting claim 2 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda '598.

Claim 2 is dependant on claim 1 and thus incorporate the features therein but also includes features that are also not disclosed or suggested by Maeda '598.

Claim 2 recites:

The electronic device as set forth in claim 1, wherein when said one of a paired function is assigned, a message prompts a user to assign the other of the paired function.

Maeda '598 **fails** to disclose, teach or suggest "*wherein when said one of a paired function is assigned, a message prompts a user to assign the other of the paired function.*"

The Office Action alleges these features can be found in paragraphs [0066-0067] of Maeda '598. This is inaccurate.

Maeda '598 discloses a shortcut key display screen having a shortcut key to which an arbitrary function among a plurality of functions may be allocated thereto is displayable on a display unit.

Paragraphs [0066-0067] of Maeda '598 state:

[0066] The case of allocating a function to the "basic 2" key K2 in the screen 8 of FIG. 6 is now explained. Upon pressing the "basic 2" key K2, the screen switches to the name input screen G1 shown in FIG. 7. Displayed on this name input screen G1 are a "input from name list" key S1, "input icon" key S2, "free name input from keyboard" key S3, "input icon, input from name list" key S4,

and "input icon, free name input from keyboard" key S5.

[0067] Among the above, when the "input from name list" key S1 is pressed, as it becomes a name selection screen G2 as shown in FIG. 8, the operator selects an appropriate name corresponding to the function to be allocated to the "basic 2" key K2 from the name list of the name list selection screen G2, and, by thereafter pressing the "close" key B12, completes the allocation of consolidation functions with the settings of the "basic 2" key K2 being "2 in 1", "left staple" and "dotted line". Further, as shown in FIG. 9, displayed is a screen 5a which displays the selected name "2 in 1" in which the black and white are inverted on the "basic 2" key K2.

While Maeda '598 discloses that the operator selects an appropriate name corresponding to the function to be allocated to the "basic 2" key K2 from the name list of the name list selection screen G2 such that "basic 2" key K2 being "2 in 1", "left staple" and "dotted line," there is no mention of wherein when said one of a paired function is assigned, a message prompts a user to assign the other of the paired function. Indeed there is no discussion of a prompting a user to assigned the other of a paired function when one the paired function is assigned to a key.

Accordingly, Appellant respectfully requests reversal of the rejection of claim 2 under 35 U.S.C. § 102(b) as being anticipated by Maeda '598.

A2. The Examiner erred in rejecting claims 6, 9, and 10 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda '598.

Claims 9 and 10 are dependant on claim 6 and thus incorporate the features therein.

Claim 6 recites:

An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:

display means for causing display of a plurality of items on the display panel;

means for receiving a selection of a desired item from the plurality of items, after which

the display means causes display of a setting screen corresponding to the selected desired item;

assigning means for assigning keys using the setting screen,

wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and

wherein second and third of the plurality of keys are respectively assigned to one of a paired function; and

display means for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys.

Maeda '598 **fails** to disclose, teach or suggest “*assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function.*”

The Office Action, however, alleges these features can be found in paragraph [0056-0066] of Maeda '598. This is wholly inaccurate.

Maeda '598 discloses a shortcut key display screen having a shortcut key. An arbitrary function among a plurality of functions may be allocated to the shortcut key and is displayable on a display unit. Every function setting screen comprises an allocation instruction key for providing instructions for allocating the function to the shortcut key, and, when the allocation instruction key is selected, a series of functions set before the function setting screen having the allocation instruction key is displayed on the display screen is allocated to the shortcut key.

As argued above, paragraph [0056-0066] of Maeda '598 discloses how to allocate and register short cut keys among keys K1-K9. Functions and the like to be allocated to the

shortcut keys K1-K9 may be allocated even if they do not pertain to the basic function; that is, even when they pertain to the editing function or finishing function.

There is **no mention** of an assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function in Maeda '598. The allocations of the individual short cut keys K1-K9 are done separately without regard to a paired function.

Indeed, Maeda '598 does not teach or suggest associating such paired functions with an assignable button. By contrast, Appellant's claimed invention illustrates examples of paired functions. For example, in Fig. 4D, the shake compensation's 'on' and 'off' functions represent paired functions. Similarly, 'edit search +' and 'edit search -' represent paired functions.

The Final Office Action and the Advisory Action, nonetheless alleges that the second key, "2 in 1" (Basic 2) of Fig. 9, is assigned to one of a paired function, such as Left Staple, and a third key, for example "4 in 1" (Basic 3) of fig. 9 is assigned to the other of the paired function, such as Right Staple. This analysis of Maeda '598 is inaccurate.

However, when discussing the Right and Left Staple functionality, Maeda '598 merely discloses predetermined settings of stapling which **cannot be confused** with Appellants claimed invention of assigning keys using the setting screen, wherein second and third of the plurality of keys are respectively assigned to one of a paired function. As stated previously, Maeda '598 discloses how to allocate and register short cut keys among keys K1-K9 without regard to assigning a paired function to a second and third key.

Moreover, Maeda '598 **fails** to disclose, teach or suggest *"display means for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys."*

The Final Office Action alleges in fig. 6-7 a second setting screen for items that are not included in the plurality of items, such as displaying a different setting screen when a key “Basic 2” is selected.

While this may be true, which is not admitted, there is no mention of displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys in Maeda ‘598.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 6, 9, and 10 under 35 U.S.C. § 102(b) as being anticipated by Maeda ‘598.

A2a. The Examiner erred in rejecting claim 7 under 35 U.S.C. § 102(b) as being as being anticipated by Maeda ‘598.

Claim 7 is dependant on claim 6 and thus incorporate the features therein but also includes features that are also not disclosed or suggested by Maeda ‘598.

Claim 7 recites:

The electronic device as set forth in claim 6, wherein said one of the plurality of keys is assigned to said one of a paired function, and further comprising:

prompting a user to assign the other of the paired function when said one of a paired function is assigned to said one of the plurality of keys.

Maeda ‘598 fails to disclose, teach or suggest “*prompting a user to assign the other of the paired function when said one of a paired function is assigned to said one of the plurality of keys.*”

The Office Action alleges these features can be found in paragraphs [0066-0067] of Maeda ‘598. This is inaccurate.

Maeda ‘598 discloses a shortcut key display screen having a shortcut key. An arbitrary function among a plurality of functions may be allocated to the shortcut key and is displayable on a display unit.

While paragraphs [0066-0067] of Maeda '598 discloses that the operator selects an appropriate name corresponding to the function to be allocated to the "basic 2" key K2 from the name list of the name list selection screen G2 such that "basic 2" key K2 being "2 in 1", "left staple" and "dotted line," there is no mention of prompting a user to assign the other of the paired function when said one of a paired function is assigned to said one of the plurality of keys.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 6, 9, and 10 under 35 U.S.C. § 102(b) as being anticipated by Maeda '598.

B1. The Examiner erred in rejecting claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487.

Claim 3 is dependant on claim 1 and thus incorporates the features therein but also includes features that are not disclosed or suggested by Maeda '598.

Matsumoto '487 does not remedy the deficiencies of Maeda '598, as the various features recited in claim 1 are also absent from Matsumoto '487. For example, Appellant's claimed features of "*assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function,*" are neither disclosed nor suggested by Matsumoto '487.

Matsumoto '487 discloses a remote control mechanism for adjusting image quality in an incoming video signal. The device includes a remote control (Fig. 7) capable of assigning menu accessible commands to functional buttons 709-715. Figs. 8-14 illustrate how a user can traverse the available menus and register a given command with the function buttons.

Though Matsumoto '487 discloses a remote control capable of assigning menu accessible commands to functional buttons, there is no mention of an assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a

function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function.

Moreover, neither Maeda '598 nor Matsumoto '487 disclose the specifically recited features of claim 3.

Claim 3 recites:

The electronic device as set forth in claim 1, wherein when said one of a paired function is assigned to the second key, the other of the paired function is automatically assigned to the third of the plurality of the keys.

Maeda '598 in view of Matsumoto '487 fail to disclose, teach, or suggest "*wherein when said one of a paired function is assigned to the second key, the other of the paired function is automatically assigned to the third of the plurality of the keys.*"

The Office Action alleges these features can be found in paragraph [0068] of Matsumoto '487. This is wholly inaccurate.

Maeda '598 discloses a shortcut key display screen having a shortcut key. An arbitrary function among a plurality of functions may be allocated to the shortcut key and is displayable on a display unit. Matsumoto '487 discloses a remote control mechanism for adjusting image quality in an incoming video signal.

Paragraph [0068] of Matsumoto '487 states:

[0068] The following three methods are conceivable as a method of selecting a time at which the registration with the function key 709, 711, 713, or 715 is made effective. In the first method, when the end key 717 is operated, the registration operation performed on the menu display before this end key 717 operation becomes effective. In the second method, the registration performed by selecting one of the registration menu items at the lowest layer on the menu display and by operating the determination key 707 becomes effective immediately after the operation of the determination key 707. In the third method, the registration becomes effective after a lapse of a certain time period if no operation is performed after the registration operation.

Though Matsumoto '487 discloses that the registration of a key performed by selecting one of the registration menu items at the lowest layer on the menu display and by operating the determination key 707 becomes effective immediately after the operation of the determination key 707, there is no mention of wherein when said one of a paired function is assigned to the second key, the other of the paired function is automatically assigned to the third of the plurality of the keys.

Accordingly, Appellant respectfully requests reversal of the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view of Matsumoto '487.

B2. The Examiner erred in rejecting claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487.

Claim 8 is dependant on claim 6 and thus incorporates the features therein but also includes features that are not disclosed or suggested by Maeda '598.

Matsumoto '487 does not remedy the deficiencies of Maeda '598, as the various features recited in claim 6 are also absent from Matsumoto '487. For example, Appellant's claimed features of "*assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function,*" and "*display means for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys,*" are neither disclosed nor suggested by Matsumoto '487.

Matsumoto '487 discloses a remote control mechanism for adjusting image quality in an incoming video signal. The device includes a remote control (Fig. 7) capable of assigning menu accessible commands to functional buttons 709-715. Figs. 8-14 illustrate how a user can traverse the available menus and register a given command with the function buttons.

There is no mention of assigning means for assigning keys using the setting screen, wherein a first of the plurality of keys is assigned a function for displaying the setting

screen, and wherein second and third of the plurality of keys are respectively assigned to one of a paired function in Matsumoto '487.

There is also **no mention** of display means for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys in Matsumoto '487.

Moreover, neither Maeda '598 nor Matsumoto '487 disclose the specifically recited features of claim 8.

Claim 8 recites:

The electronic device as set forth in claim 6, wherein said one of the plurality of keys is assigned one of a paired function further comprising:

automatically assigning the other of the paired function to another key of the plurality of keys when said one of a paired function is assigned to said one of the plurality of keys.

Maeda '598 in view of Matsumoto '487 **fail** to disclose, teach, or suggest “*automatically assigning the other of the paired function to another key of the plurality of keys when said one of a paired function is assigned to said one of the plurality of keys.*”

The Office Action alleges these features can be found in paragraph [0068] of Matsumoto '487. This is wholly inaccurate.

Maeda '598 discloses a shortcut key display screen having a shortcut key. An arbitrary function among a plurality of functions may be allocated to the shortcut key and is displayable on a display unit. Matsumoto '487 discloses a remote control mechanism for adjusting image quality in an incoming video signal.

While paragraph [0068] of Matsumoto '487 discloses that the registration of a key performed by selecting one of the registration menu items at the lowest layer on the menu display and by operating the determination key 707 becomes effective immediately after the

operation of the determination key 707, there is no mention of wherein when said one of a paired function is assigned to the second key, the other of the paired function is automatically assigned to the third of the plurality of the keys.

Accordingly, Appellant respectfully requests reversal of the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view of Matsumoto '487.

Accordingly, Appellant respectfully requests reversal of the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view of Matsumoto '487.

C2. The Examiner erred in rejecting claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487 and further in view of Takagi '248.

Claims 11 recites:

A method of assigning desired functions to a plurality of keys, comprising the steps of:

displaying a plurality of items;

receiving a selection of a desired item from the plurality of items;

receiving a selection of a key to which a function is assigned from the plurality of keys; and

assigning said function to the selected key.

wherein said function is a paired function.

As stated previously, Maeda '598 in view of Matsumoto '487 fails to disclose, teach or suggest “*assigning said function to the selected key, wherein said function is a paired function.*”

Takagi '248 does not remedy the deficiencies of Maeda '598 in view of Matsumoto '487, as the various features recited above are also absent from Takagi '248. For

example, Appellant's claimed features of "*assigning said function to the selected key, wherein said function is a paired function,*" are neither disclosed nor suggested by Takagi '248.

Takagi '248 relates to a digital/analog broadcasting receiver having a function to select a user setting which defines the operation mode of this receiver for each of a plurality of users. A user operates an input device beforehand to set his/her own preferential operation mode of a receiver and assigns a desired selection number to the operation mode and then stores it in the memory. In essence, Takagi '248 discloses how an operation mode is selected for each user to make a user setting and stored in a memory in correlation with a predetermined input pattern of an operation key.

Though Takagi '248 can select a user setting and can operate the direction keys to move the cursor and fix it using the ENTER key in order to select his desired operation mode, there is *no mention* of *assigning said function to the selected key, wherein said function is a paired function.* Indeed, Takagi '248 merely shows the settings of user (0) to user (3) and how to change the operation mode of the individual user settings within the display means. There is no assignment of a paired function in the manner claimed by the Appellant.

Accordingly, Appellant respectfully requests reversal of the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 and further in view of Matsumoto '487 in view of Takagi '248.

C3. The Examiner erred in rejecting claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 in view Matsumoto '487 and further in view of Takagi '248.

Claims 12 recites:

A method of assigning desired functions to a plurality of keys, comprising the steps of:

displaying a plurality of items;

receiving a selection of a desired item from the plurality of items;

receiving a selection of a key to which a function, corresponding to the selected desired item, is assigned from the plurality of keys, said function being a paired set of functions; and

assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key.

Maeda '598 in view of Matsumoto '487 fail to disclose, teach or suggest "assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key."

Maeda '598 discloses a shortcut key display screen having a shortcut key. An arbitrary function among a plurality of functions may be allocated to the shortcut key and is displayable on a display unit. Matsumoto '487 discloses a remote control mechanism for adjusting image quality in an incoming video signal.

There is no mention of assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key in Maeda '598 or Matsumoto '487.

Takagi '248 does not remedy the deficiencies of Maeda '598 in view of Matsumoto '487, as the various features recited above are also absent from Takagi '248. For example, Appellant's claimed features of "assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key," are neither disclosed nor suggested by Takagi '248.

Takagi '248 discloses how an operation mode is selected for each user to make a user setting and stored in a memory in correlation with a predetermined input pattern of an operation key.

Though Takagi '248 can select a user setting and can operate the direction keys to move the cursor and fix it using the ENTER key in order to select his desired operation mode,

there is **no mention** of assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key.

Accordingly, Appellant respectfully requests reversal of the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Maeda '598 and further in view of Matsumoto '487 in view of Takagi '248.

D1. The Prior Art does not disclose the features of claims 13 and 14.

The Advisory Action dated November 1, 2010 entered new claims 13 and 14 for purposes of an Appeal. However, as can be seen from the record, no art rejection or argument to these claims has been issued by the Examiner.

Moreover, the Prior Art of record, Maeda '598 and further in view of Matsumoto '487 in view of Takagi '248, does not disclose the features of claims 13 and 14.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 13 and 14 over the Prior Art.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

IX. EVIDENCE

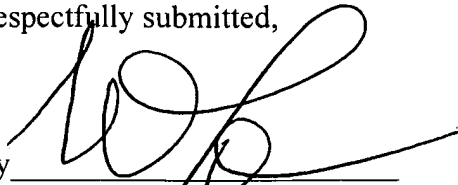
No evidence pursuant to §§ 1.130, 1.131, or 1.132, or additional evidence entered by or relied upon by the Examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in section II above, or copies of decisions in related proceedings are not provided.

Dated: February 11, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. M. Tobin', written over a horizontal line.

By
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APPENDIX A

1. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:

display means for causing display of a plurality of items on the display panel;

means for receiving a selection of a desired item from the plurality of items, after which

the display means causing display of a setting screen corresponding to the selected desired item; and

assigning means for assigning keys using the setting screen,

wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and

wherein second and third of the plurality of keys are respectively assigned to one of a two-paired functions.

2. The electronic device as set forth in claim 1, wherein when said one of a ~~said two-paired functions are~~ is assigned, a message prompts a user to assign the other of the ~~two-paired functions~~.

3. The electronic device as set forth in claim 1, wherein when said one of a ~~said two-paired functions are~~ is assigned to the second key, the other of the ~~two-paired functions~~ is automatically assigned to ~~they~~ third of the plurality of the keys.

4. The electronic device as set forth in claim 1, wherein a sequence of user performed operations are stored and the stored operations are then assigned to said one of the plurality of keys.

5. The electronic device as set forth in claim 1, wherein functions assigned to two keys of the plurality of keys are swapped.

6. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:

display means for causing display of a plurality of items on the display panel;

means for receiving a selection of a desired item from the plurality of items, after which

the display means causes display of a setting screen corresponding to the selected desired item;

assigning means for assigning keys using the setting screen,

wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and

wherein second and third of the plurality of keys are respectively assigned ~~two to one~~ of a paired functions; and

display means for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys.

7. The electronic device as set forth in claim 6, wherein said one of the plurality of keys is assigned to said one of said ~~a two~~-paired functions, and further comprising:

prompting a user to assign the other of the ~~two~~-paired functions when said one of a ~~said two~~-paired functions is assigned to said one of the plurality of keys.

8. The electronic device as set forth in claim 6, wherein said one of the plurality of keys is assigned one of ~~said two~~a paired functions further comprising:

automatically assigning the other of the paired functions to another key of the plurality of keys when said one of said two~~a~~ paired functions is assigned to said one of the plurality of keys.

9. The electronic device as set forth in claim 6, wherein a sequence of operations that a user has preformed are stored and said stored operations are assigned to one of the plurality of keys.

10. The electronic device as set forth in claim 6, wherein functions assigned to two keys of the plurality of keys are swapped.

11. A method of assigning desired functions to a plurality of keys, comprising the steps of:

displaying a plurality of items;

receiving a selection of a desired item from the plurality of items;

receiving a selection of a key to which a function is assigned from the plurality of

keys; and

assigning said function to the selected key,

wherein said function is a paired function.

12. A method of assigning desired functions to a plurality of keys, comprising the steps of:

displaying a plurality of items;

receiving a selection of a desired item from the plurality of items;

receiving a selection of a key to which a function, corresponding to the selected desired item, is assigned from the plurality of keys, said function being a paired set of functions; and

assigning said function selected at the function selecting step and assigning another function, from said paired set of functions, to said key.

13. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:

display section causing display a plurality of items on the display panel;

receiving section receiving a selection of a desired item from the plurality of items, after which the display section causing display of a setting screen corresponding to the selected desired item; and

assigning section assigning keys using the setting careen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and

wherein second and third of the plurality of keys are respectively assigned to one of a paired function.

14. An electronic device having a display panel and a plurality of keys to which desired functions can be assigned, comprising:

display section causing display a plurality of items on the display panel;

receiving section receiving a selection of a desired item from the plurality of items, after which the display section causing display of a setting screen corresponding to the selected desired item;

assigning section assigning keys using the setting careen, wherein a first of the plurality of keys is assigned a function for displaying the setting screen, and

wherein second and third of the plurality of keys are respectively assigned to one of a paired function; and

display section for displaying a second setting screen for items that are not included in the plurality of items when the selected desired item is assigned to said one of the plurality of keys.

APPENDIX B

There is no other evidence which will directly affect or have a bearing on the Board's decision in this appeal.

APPENDIX C

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal. There are no other court proceedings which will or have a bearing on the court's decision.